

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KITRICH A. POWELL,

Petitioner,

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WILLIAM GITTERE, *et al.*,

## Respondents.

Case No. 2:06-cv-01264-KJD-DJA

## ORDER

In this capital habeas corpus action, the respondents filed a motion to dismiss (ECF No. 235) on September 14, 2022. After a 60-day initial period and a 91-day extension of time, Petitioner Kitrich A. Powell, who is represented by appointed counsel, was due to respond to the motion to dismiss by February 13, 2023. See Order entered August 24, 2020 (ECF No. 100) (60 days for response to motion to dismiss); Order entered November 15, 2023 (ECF No. 238) (91-day extension).

On February 13, 2023, Powell filed a motion for extension of time (ECF No. 239), requesting a further extension to May 15, 2023—another 91-day extension—to file his response to the motion to dismiss. Powell’s counsel states that the extension of time is necessary because of the complexity of this case, and because of counsel’s obligations in other cases and his administrative obligations at the office of the Federal Public Defender. Powell’s counsel represents that Respondents do not oppose the motion for extension of time. The Court finds that Powell’s motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the extension of time requested. The Court will grant this extension of time. *However, given the amount of time Powell will have had for this filing (about eight months), the Court will not look favorably upon any motion to further extend this deadline.*

1           **IT IS THEREFORE ORDERED** that Petitioner's Motion for Extension of Time (ECF  
2 No. 239) is **GRANTED**. Petitioner will have until and including **May 15, 2023**, to respond  
3 to Respondents' motion to dismiss.

4           **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further  
5 proceedings set forth in the order entered August 24, 2020 (ECF No. 100) will remain in  
6 effect.

7           **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure  
8 25(d), William Gittere is substituted for William Reubart as the respondent warden. The  
9 Clerk of the Court is directed to update the docket to reflect this change.

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11           DATED THIS 14 day of February, 2023.

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KENT J. DAWSON  
UNITED STATES DISTRICT JUDGE